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May 23, 2013

To: The Oregon House of Representatives  
Agriculture and Natural Resources Committee  
77<sup>th</sup> Oregon Legislative Assembly - 2013 Regular Session

Regarding: House Joint Memorial 2 Informational Hearing

#### **- Discussion -**

In October of 1995, Governor John Kitzhaber in an open letter to all Oregonians introduced an unprecedented and comprehensive partnership between government, communities, private landowners, industry and citizens to bring salmon back to the Oregon coast and back into our culture and economy. The partnership to restore the watersheds of Oregon and to recover fish and wildlife populations of those watersheds to productive and sustainable levels in a manner that provides substantial environmental, cultural and economic benefits is the legislatively funded mission of the Oregon Plan for Salmon and Watersheds (Oregon Plan).

As previously noted the mission of the Oregon Plan is to create conditions that enhance the productivity of fish and wildlife and their habitats based upon science and socially established goals that will provide abundant, productive, and diverse self-sustaining "Desired Status" populations. Desired Status represents a level of population performance that exceeds the standards at which a population is considered viable and is a goal established by legislative mandates, social values and non-regulatory contributions. The Oregon Plan has scientifically identified the primary limiting factors and has energetically addressed modifications and enhancements to what has become known as the four H's – Habitat, Hydro, Harvest and Hatcheries in a modestly successful attempt to achieve desired status goals for Oregon's salmonids.

In most, if not all recovery plans for Oregon's salmonids, the primary limiting factors have been or are being addressed with regulatory and volunteer actions by private industry, government entities, conservation

groups and citizens which have benefited thousands of species and their habitats statewide.

The GAP (difference between current and desired status) of many of Oregon's fish and wildlife populations could arguably be the failure of federal and state action agencies to be adequately funded at levels that enable a broader recovery approach to be implemented or it could simply be a generalized failure to embrace the importance of holistic ecosystem management. A more holistic recovery approach would recognize the significant impacts that "Secondary Limiting Factors" could potentially be inflicting on fish and wildlife populations especially after moderation of the negative impacts of the more robustly and often politically and socially accepted primary limiting factors (H's). The Oregon Coast Coho Conservation Plan (OCCCP - 2007) for the State of Oregon, prepared by the Oregon Department of Fish and Wildlife in partnership with numerous state and federal natural resources agencies fails to list predation of Coho as a secondary limiting factor but merely states: "Predation as a Limiting Factor."

The state acknowledges that there is some uncertainty about how much of a threat predation poses to coastal coho populations, but Oregon's 2005 Assessment of the Coast Coho ESU, based on the best available scientific information, did not rank predation as a key limiting factor for any coastal coho populations. Scientific evaluations currently available do not confirm or refute the possibility that predation by marine mammals and or/or birds is a significant limiting factor for coastal salmon populations. Better understanding of this issue has been identified as a research need in this plan." Public comment at every scoping meeting during development phase of the OCCCP challenged the failure of the plan to include some form of predator management or development of a suite of predator management options.

ODFW's response to the public's insistence for action-based predator management was somewhat veiled and not completely honest.

The agency was directly questioned during the public scoping process. "How will ODFW resolve the scientific uncertainty regarding predation impacts on salmon in coastal salmon populations?"

The agency's 12-27-06 answer: "Research on the causes and effects of predation on coastal salmon populations is identified as a high priority research need in the plan. Such research will be conducted when funding is identified."

Oregon has had the ability to identify the impacts of avian predation on salmonid recovery but has repeatedly given predation a low priority when seeking legislative funding for action management programs as well as research.

Without adequate scientific foundation Oregon has been unable to activate the federal exceptions to the Migratory Bird Protection Act which protects both Caspian terns and Double Crested Cormorants.

The magnitude of the contradiction between what the scientists implied by not ranking predation in the 2005 Coast Coho ESU Assessment and what the state's premier fisheries management agency publicly stated is huge!

The Oregon Legislature created the Oregon Hatchery Research Center (OHRC), a cooperative research facility staffed by Oregon State University and the Oregon Department of Fish and Wildlife. The mission of the cooperative research facility, funded primarily through general angling license dollars, is to study exactly this type of fisheries management conflict and provide solutions that can be adaptively applied to recovery of wild salmonids and impacts to hatchery harvest programs. The facility has not operated at full research capacity since becoming operational.

A three year research project on the outmigration dynamics conducted on equal numbers of hatchery and wild steelhead smolts in the Alsea River Basin was conducted by researchers at the OHRC. The research indicated that both study groups of smolts out-migrated at a rapid rate and that 95% of the radio tagged smolts survived the riverine portion of their journey. The research determined that in a two mile section of the Alsea River estuary as high as 66% of the smolts were lost to an unidentified mortality factor.

The loss of 74,000 smolts from an Integrated Hatchery Harvest Program release of 120,000 smolts is troubling and financially devastating to local sport fishing dependent economies.

Personal conversations with local fisheries managers indicate that avian predation is the most likely cause for the significant smolt mortality. Hundreds of juvenile Double-Crested Cormorants inhabit the Alsea estuary year around. Although the population data from the U.S. Fish and Wildlife Service indicates that there are 31 breeding pairs of DCCO's in the mid-coast geographic management area (indicating a low overall breeding potential and predation impact directly from breeding pairs) this biological assertion is misleading, as there is apparently very little or no verifiable data on the population numbers of sub-breeding birds. Both adults and fledged sub-adults are opportunistic feeders eating one pound of fish per day.

Hatchery steelhead smolts average 8 to 9 per pound and cost approximately \$2.00 each to raise at our state hatchery facilities funded mainly by angling license and salmon-steelhead catch record card fees. Conservative, anecdotal estimates of approximately 300 sub-adult DCCO's have been noted by members of the public in the Alsea River estuary during peak times of winter steelhead smolt, wild coho smolt and fall Chinook smolt out-migrations. Noting the findings of DCCO prey preference research on the Columbia River, it is likely that DCCO's are the main cause of mortality on out-migrating smolts in the Alsea estuary and are likely having a significantly negative impact on salmonid species recovery.

If any conclusions can be drawn from the recovery scientist's failure to assign a higher value to predation as a limiting factor, it could very well be that they just did not have

irrefutable scientific data to properly assess the risks that unmanaged predation poses to recovery and enhancement of our wild and hatchery runs.

Hopefully it was not a case of shirking responsibility or dodging a political confrontation with the anti-hatchery, anti-harvest groups at the expense of hunting and fishing in Oregon. Hunting, fishing and wildlife viewing in Oregon contributes over 2.4 billion dollars to Oregon's economy annually.

Management decisions and public policy must be formulated around unbiased scientific input within the needs and wants of society.

Public requests for follow up research to identify the mortality factor, surely a significant "limiting factor" have been numerous and officially submitted to the Scientific Advisory Board of the OHRC for its consideration. To date no official response has been received from the Oregon Department of Fish and Wildlife, the OHRC or Oregon State University.

To date no rigorous scientific research has been conducted on the potential impact of birds or mammals on Oregon's coastal estuaries south of the Columbia River.

Extensive avian predation research conducted since the early 1990's on the lower Columbia River estuary has clearly quantified the impact of predation by the world's largest nesting colony of Caspian terns and the western United States largest colony of Double Crested cormorants on out migrating smolts.

With restoration of the thirteen Columbia Basin and one Oregon coastal ESA listed salmonid stocks being a federal and state regional management priority, the lack of action by the responsible federal agencies to the publically requested research quantifying avian predation's coastal salmonid impact is both disheartening and disconcerting to most of Oregon's hunting and fishing enthusiasts.

The important question that seems to not get answered is, "What influence has smolt loss from avian predation had on the adult return (survival) of various salmon stocks?"

The U.S. Fish and Wildlife Service and its partners constructed an \$800,000 artificial nesting island at Fern Ridge reservoir, equipping the one acre island with hundreds of hand - carved wooden tern decoys, installed solar powered audio equipment playing the mating music of Caspian terns in hopes of luring them from the Columbia River estuary thereby lessening their predation on millions of lower Columbia River estuary salmonid smolts.

The Fern Ridge experimental island is one of seven such islands planned and funded by federal and cooperative state agencies along the central Pacific coast, but as of yet funding for specific avian and marine mammal predation research in Oregon's estuaries remains unfunded!

The funds expended on developing additional nesting islands situated in habitat that historically has not supported breeding pairs of Caspian terns could very be an example of a lack of proper public oversight, and agency irresponsibility in managing Oregon's predator conflicts.

It is ironic that Fern Ridge Reservoir was picked as a Caspian tern relocation site due to its close proximity to the last remaining viable population of wild Spring Chinook salmon in the upper Willamette Basin. (Recent research on the upper Columbia River has found that Caspian terns will travel more than thirty miles distant from their nesting sites to forage on salmon and steelhead smolts).

To tell the public that avian predation is a high priority and that when funding is secured coastal avian predation research will be conducted and then to not aggressively seek the funding, simply indicates a lack of respect for the North American model of fish and wildlife conservation.

For more than 75 years hunters and anglers have provided the foundation for wildlife conservation in America by supporting the Pittman-Robertson Wildlife Restoration Program and the Dingell-Johnson Sport Fish Restoration Program. These two federal programs administered by the U.S. Fish and Wildlife Service, collected \$749 million in 2010 that was **apportioned back to the states for numerous restoration and enhancement programs, including conservation research.**

Many of the actions to restore salmonids have sparked vigorous debates on how to best manage our natural resources and undoubtedly caused economic hardships for Oregon's forestry, commercial fishing and rural fishing and hunting recreational dependent communities.

The time for real and meaningful discussions on how Oregon can proactively manage its wildlife conflicts has arrived.

Stan Steele, President  
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